

E-FILED - 2/12/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY ROBERSON,) No. C 08-3428 RMW (PR)
Plaintiff,)
v.) ORDER OF DISMISSAL
SAN FRANCISCO POLICE) WITHOUT PREJUDICE
DEPARTMENT, et al.,)
Defendants.) (Docket No. 38)

Plaintiff, proceeding pro se, filed the instant civil rights complaint pursuant to 42 U.S.C. § 1983. On November 3, 2008, mail sent to plaintiff by the court was returned to the clerk of the court with a notation that it was undeliverable. Further, on November 14, 2008, defendants submitted a motion to dismiss stating that their attempt to serve plaintiff with a medical release was returned as undeliverable and, further, that the Records Department of San Quentin State Prison show plaintiff being released or paroled on August 30, 2008. As of the date of this order, plaintiff has not updated his address with the court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint

1 when: (1) mail directed to the pro se party by the court has been returned to the court as not
2 deliverable, and (2) the court fails to receive within sixty days of this return a written
3 communication from the pro se party indicating a current address. See L.R. 3-11(b).

4 More than sixty days have passed since the mail sent to plaintiff by the court was
5 returned as undeliverable. The court has not received a notice from plaintiff of a new address.
6 Accordingly, the court GRANTS defendant's motion to dismiss. The instant complaint is
7 DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The
8 clerk of the court shall enter judgment and close the file.

9 The clerk shall terminate docket no. 38.

10 IT IS SO ORDERED.

11 Dated: 2/10/09


RONALD M. WHYTE
United States District Judge